

2013 DRAFTING REQUEST

Bill

Received: **5/14/2013** Received By: **phurley**
Wanted: **As time permits** Same as LRB:
For: **Frederick Kessler (608) 266-5813** By/Representing:
May Contact: Drafter: **phurley**
Subject: **Public Defender** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Kessler@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Increase to \$75/hr rate paid to private bar attorneys on public defender appointments

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	phurley 5/14/2013	jdye 5/15/2013	phenry 5/15/2013	_____			
/1				_____	sbasford 5/15/2013	lparisi 5/17/2013	State

FE Sent For:

→ At
Intro.

<END>

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/?	phurley	5/14 jld	5/14 ph	5/14 ph/gk			

FE Sent For:

<END>

Hurley, Peggy

From: Hurley, Peggy
Sent: Tuesday, May 14, 2013 11:36 AM
To: Hurley, Peggy
Subject: FW: Correction to Bill to Increase SPD Priv Bar Attorney Pay
Attachments: 07-20322.pdf; Increase SPD Pay 13-1238_1.pdf

Increase rate for private bar attorneys to \$75 an hour

From: Hanaman, Cathlene
Sent: Tuesday, May 14, 2013 11:32 AM
To: Hurley, Peggy; Champagne, Rick
Subject: FW: Correction to Bill to Increase SPD Priv Bar Attorney Pay

Peggy:

Did you do something like this? If not, I can do it....

From: Tenuta, Christina
Sent: Tuesday, May 14, 2013 11:26 AM
To: Champagne, Rick; Hanaman, Cathlene
Subject: Correction to Bill to Increase SPD Priv Bar Attorney Pay

Rep. Kessler has just now asked me to follow-up on legislation that was originally drafted and jacketed at the beginning of this year. When I sat down today to prepare to send the bill to potential co-sponsors, I realized that I had the wrong bill drafted and jacketed back in January - my apologies for catching this mistake so late in the game.

The bill that Rep. Kessler would like to introduce this session relates to the increase in the hourly rate paid to private bar attorneys who accept Public Defender Appointments. This bill is similar in part to the attached bill, from 2007, (Rep. Kessler does not wish to reintroduce the part of the 2007 bill that relates to the amount of time the PD's office takes to make indigency determinations).

The bill I accidently had drafted and jacketed earlier, relates to the compensation of assistant public defender attorneys, which is not a topic Rep. Kessler would like to address this session. That one is LRB -1238; also see attached.

Is it possible to have a bill drafted that relates to the rate of pay for private bar attorneys taking PD appointments. And if so, how long will that take?

Thank you for your help.

Best,
Christina

Christina M. Tenuta, J.D.
Office of Wisconsin State Representative Frederick P. Kessler
608-266-5813



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-03917A
PJH:jld:ph

2013 BILL

Keep

236611
mnr

DOA:.....Prager, BB0135 - Private Bar Rate Increase

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

5-17-13

✓
1

Gen

AN ACT ...; relating to: the budget.

increasing the
rate paid to
private attorneys
for representing
indigent
clients

Analysis by the Legislative Reference Bureau

COURTS AND PROCEDURE

PUBLIC DEFENDER

Under current law, the state public defender (SPD) provides legal representation for indigent persons in criminal, delinquency, and certain related cases. The SPD assigns cases either to staff attorneys or to local private attorneys. Generally, a private attorney who is assigned a case by the SPD is paid \$40[✓] per hour for time spent related to the case and \$25 per hour for time spent in travel in certain situations.

This bill increases to \$50[✓] per hour the amount a private attorney is paid for time spent related to the case. The increase applies to cases assigned on or after July 1, 2014.

For further information see the *state*[✓] fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

2

SECTION 1. 977.08 (4m) (c) of the statutes is amended to read:

score - 2 -
the effective
date of this
paragraph... [LRB
inserts date]

1 977.08 (4m) (c) Unless otherwise provided by a rule promulgated under s.
2 977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after
3 July 29, 1995, and before ~~JULY 1, 2014~~, private local attorneys shall be paid \$40 per
4 hour for time spent related to a case, excluding travel, and \$25 per hour for time spent
5 in travel related to a case if any portion of the trip is outside the county in which the
6 attorney's principal office is located or if the trip requires traveling a distance of more
7 than 30 miles, one way, from the attorney's principal office.

8 SECTION 2. 977.08 (4m) (d) of the statutes is created to read:

9 977.08 (4m) (d) Unless otherwise provided by a rule promulgated under s.
10 977.02 (7r) or by a contract authorized under sub. (3) (f), for cases assigned on or after
11 July 1, 2014, private local attorneys shall be paid \$50 per hour for time spent related
12 to a case, excluding travel, and \$25 per hour for time spent in travel related to a case
13 if any portion of the trip is outside the county in which the attorney's principal office
14 is located or if the trip requires traveling a distance of more than 30 miles, one way,
15 from the attorney's principal office.

16 (END)

the effective
date of this paragraph... [LRB inserts date]

✓ \$75

Parisi, Lori

From: Tenuta, Christina
Sent: Friday, May 17, 2013 1:32 PM
To: LRB.Legal
Subject: Draft Review: LRB -2366/1 Topic: Increase to \$75/hr rate paid to private bar attorneys on public defender appointments

Please Jacket LRB -2366/1 for the ASSEMBLY.